IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 3587 of 2007(B)

PETITIONER:

C.I.ABIDA, W/O.V.P.LOVESY,
VELLAPILLY HOUSE, RAYONPURAM P.O.,
KANJIRAKKAD, PERUMBAVOOR, PIN-683 543.

BY ADV. SMT.A.RAJESWARI

RESPONDENTS:
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1. **THE VILLAGE OFFICER,**
   PERUMBAVOOR.

2. **THE DISTRICT COLLECTOR,**
   ERNAKULAM.

3. **BAVA, S/O.MEETHAIN PILLAI,**
   CHIRAPULLI VEETTIL, KANJIRAKKAD,
   RAYONPURAM P.O., PERUMBAVOOR.

4. **SAINUDEEN, S/O.MEETHAIN PILLAI,**
   CHIRAPULLI VEETTIL, KANJIRAKKAD,
   RAYONPURAM P.O., PERUMBAVOOR.

5. **RAVUF, S/O.IYSHA,**
   CHIRAPULLI VEETTIL, KANJIRAKKAD,
   RAYONPURAM P.O., PERUMBAVOOR.

6. **SHANI @ SHANAVAS, S/O.PAREETHU**
   PILLAI, CHIRAPULLI VEETTIL, KANJIRAKKAD,
   RAYONPURAM P.O., PERUMBAVOOR.

7. **S.I. OF POLICE,**
   PERUMBAVOOR POLICE STATION,
   PERUMBAVOOR.

BY ADV. SRI.RAJESH VIJAYAN
BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN for R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.3587/2007 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT IN WP(C) NO.15931/06 DTD.29/06/06.**

EXT.P2: **COPY OF REPORT OF ADVOCATE COMMISSIONER IN O.S.NO. 235/06 DTD. 13/07/06.**

EXT.P3: **COPY OF THE I.A. FOR INFIXATION WITH THE ORDER DTD. 06/07/06.**

EXT.P4: **COPY OF THE COMPLAINT DTD. 28/01/07.**

EXT.P5: **COPY OF THE ORDER DTD. 24/01/07.**

EXT.P6: **COPY OF THE COMPLAINT DTD. 25/01/07.**

EXT.P7: **COPY OF THE REPRESENTATION DTD. 24/01/07.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 3587 OF 2007-B

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Dated this the 13th day of March, 2007.

JUDGMENT

This writ petition is filed challenging Ext.P5, a prohibition order issued by the Village Officer. It recites, among other things, that the land involved in that order is a wet land (“nilam”). It is the petitioner's case that the property belonging to her is dry land (“purayidom”) and this is evidenced by Ext.P2 Commissioner's report in a civil suit between the petitioner on the one hand and the contesting private respondents on the other. The petitioner has also a case that Ext.P5 is a result of the private respondents obtaining such order from the Village Officer. Whatever that be, if Kerala Land Utilization Order applies, the competent authority is the District Collector either to grant permission for conversion or to take action for illegal conversion.

2. In the above circumstances, it is directed that the petitioner shall file an application before the District

Collector, Ernakulam within a period of three weeks from now along with a copy of the writ petition and a copy of this judgment. The petitioner and the private respondents are hereby directed to appear before the District Collector on the 10th of April, 2007. The District Collector will thereupon summon the necessary files and take a decision also having due regard to the materials disclosed in the form of the Commissioner's report in the civil suit between the parties. It is clarified that the District Collector will ensure that no decision taken in this regard contradicts any orders issued by the civil courts. It is also clarified that the direction to the parties to appear on the 10th of April, 2007 is subject to re-scheduling of the said sitting by the District Collector's office. Until a decision as afore-directed is taken, status-quo as on today will be maintained. The District Collector will make an endeavour to finally dispose of the matter before the end of May, 2007.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-